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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,606	09/10/2001	Robert Sesek	10012530-1	8271

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EXAMINER

THEIN, MARIA TERESA T

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/954,606

Applicant(s)

SESEK, ROBERT

Examiner

Marissa Thein

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's "Response to the Office Action mailed September 21, 2005" filed on December 21, 2005 has been considered.

Applicant's response and amendment to the status of claims 13-14 and 20 and 23 have overcome the Examiner's objection.

Claims 1-5 and 7-23 remain pending in this application.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-5 and 7-23 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,304,856 to Soga et al.**

Regarding claims 1, 10, and 17, Soga discloses a computerized method, product, and system comprising: receiving an order to deliver a good and payment data identifying an account (col. 5, lines 28-30; col. 11, lines 1-5; col. 16, lines 20-40); generating a ticket (electronic tag attached to freight) containing electronically readable information representing the payment data (col. 7, lines 42-46; col. 13, lines 12-30; col. 14, lines 18-24); delivering the ticket with the ordered good (col. 24, lines 12-29); upon or following deliver of the good (col. 24, line 9; col. 24, lines 12-14); electronically reading the ticket with a delivery device (portable terminal) (col. 24, lines 8, lines 40-67; col. 24, lines 12-29); the delivery device generating a delivery record at least indirectly

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indicating that the good has been delivered (col. 24, lines 12-59); and electronically triggering payment from the account utilizing the payment information obtained from the reading the ticket (col. 24, lines, 30-35).

Regarding claims 2-5 and 11-12, Soga discloses the payment data includes authorization to charge the account and the act of electronically requesting payment comprises electronically charging the account; electronically placing a hold on the account for a purchase price of the good following receipt of the order; wherein the payment data includes authorization to draw funds on the account and the act of electronically requesting payment comprises electronically drawing funds on the account; and authorizing release of the good only if the request for payment is approved (col. 11, lines 1-5; col. 16, lines 20-40; col. 24, lines 12-50; col. 29, lines 11-16).

Regarding claims 7-9, 13-16, 19-21, and 23, Soga discloses information representing buyer and goods data, and registering the good according to the buyer and goods data; a recipient's physical location to verify that the good has been delivered to a correct address; and electronically determining a delivery time and electronically calculating a purchase price according to the delivery time and wherein the act of electronically requesting payment comprise requesting payment in the amount of the calculated price (col. 13, lines 21-30; col. 13, lines 40-45; col. 15, lines 4-8; col. 16, lines 1-15; col. 17, lines 35-40; col. 24, lines 36-59; col. 29, lines 11-16).

Regarding claims 18 and 22, Soga discloses the reader operable to read the information from the ticket and the delivery device includes an interface operable to

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facilitate electronic communication between the delivery device and one or more other devices (col. 8, lines 40-67; col. 24, lines 12-50).

### ***Response to Arguments***

Applicant's arguments filed December 21, 2005 have been fully considered but they are not persuasive.

Applicant remarks that Soga does not teach or suggest "upon or following delivery of the good; electronically reading the ticket with a delivery device; delivery device generating a delivery record at least indirectly indicating that the good has actually been delivered, the delivery record containing payment information obtained from reading the ticket, and the payment information at least indirectly identifying the payment data; and electronically triggering payment from the account utilizing the payment information obtained from the reading the ticket" as per claim 1.

The Examiner notes that Soga does teach and suggest the recitation above. Soga discloses a delivered freight hand-over process (Figure 39) that includes a delivery register index that is first received from the input unit of the portable terminal (delivery device) (col. 24, lines 12-15) and an electronic tag (ticket) which is attached to a freight (col. 8, lines 15-16). The electronic tag is an electronic freight slip that comprises a storage medium which can read and write information in a contactless manner (col. 7, lines 48-51). The portable terminal is used for the delivered freight hand-over process and individual freight information confirming process that includes a processor, a storage unit, an input unit, an output unit, an electronic tag reader/writer, and IC card reader/writer, a radio communication unit and a label printer (col. 8, lines

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40-48). When the freight is delivered and handed over, the processor of the portable terminal causes the electronic tag reader/writer to read from the electronic tag (col. 24, lines 19-21) and reads out the contents of the bill index in the collection request information (col. 24, lines 30-32). The bill index is a set of class of payment which includes cash income in which money is recovered during collection, credit sales for credit account or pay on arrival in which money is recovered from the consignee when delivery is finished (col. 11, lines 1-5). The processor displays a fee read out of the electronic tag, together with the freight number, on the output unit (col. 24, lines 36-38). Payment is processed (Figure 39, ref. 4130) and a receipt is issued (Figure 39, ref. no. 4135).

Such delivered freight hand-over process, as described above, is considered "upon or following delivery of the good; electronically reading the ticket with a delivery device; delivery device generating a delivery record at least indirectly indicating that the good has actually been delivered, the delivery record containing payment information obtained from reading the ticket, and the payment information at least indirectly identifying the payment data; and electronically triggering payment from the account utilizing the payment information obtained from the reading the ticket".

Applicant remarks that "Soga fails to teach that its reading device generates a delivery record that contains payment information obtained from reading the ticket where that payment information at least indirectly identifying the payment data. Moreover, the Soga mention nothing of electronically triggering payment from the account utilizing the payment information obtained from reading the ticket", as per claim 10.

The Examiner draws Applicant's attention to the remarks above.

Applicant remarks that "Soga fails to teach or suggest a delivery device that is capable of generating a delivery record that at least indirectly indicates that the good has actually been delivered and the delivery record contains payment information obtained from reading the ticket where the payment information at least indirectly identifies an account from which payment is to be made. Furthermore, Soga fails to teach a delivery device capable of triggering payment utilizing that payment information read from the ticket", as per claim 17.

The Examiner draws Applicant's attention to the remarks above.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Thein whose telephone number is 571-272-6764. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mtot  
March 6, 2006



STEVE B. MCALLISTER  
PRIMARY EXAMINER